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County of Alameda, County of Contra Costa,
8 County of Fresno, County of Kings, County of
Merced, County of Plumas, County of Riverside,
9 County of San Bernardino, County of San Joaquin,
County of Stanislaus, and County of Tulare
10

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

13 BNSF RAILWAY COMPANY,

14 Plaintiff,

15 vs.

16 ALAMEDA COUNTY, CALIFORNIA, et al.,

17 Defendants.

Case No. 4:19-cv-07230-HSG

**STIPULATION AND ORDER
SETTING SCHEDULE FOR
PRELIMINARY INJUNCTION
BRIEFING**

Judge: Hon. Haywood S. Gilliam, Jr.

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WHEREAS, given that eleven of the fifteen Defendant counties¹ have recently retained OLSON REMCHO, LLP to serve as lead counsel in this matter, and given that OLSON REMCHO, LLP was retained by these individual counties between the dates of January 22 and January 28, 2020, the parties have agreed to extend the briefing schedule to provide new counsel with one additional week to prepare an opposition brief, as described below;

WHEREAS, the current deadline for Defendants to respond to Plaintiff BNSF's Motion for Preliminary Injunction is February 3, 2020, and the current deadline for Plaintiff BNSF to file a reply in support of its Motion for Preliminary Injunction is February 20, 2020;

WHEREAS, this requested time modification would not have an effect on the schedule of the case, other than to extend the deadline by one week for Defendants to file their Opposition(s) to Plaintiff BNSF's Motion for Preliminary Injunction.

(1) Defendants shall file their Opposition(s) to Plaintiff BNSF's Motion for Preliminary Injunction on or before February 10, 2020;

² Those three counties are: Kern, Madera, and Orange.

1 (3) A hearing on Plaintiff BNSF's Motion for Preliminary Injunction will be held
2 on March 5, 2020 at 2:00 p.m.;

3 Pursuant to Local Civil Rule 6-2(a)(2), the parties disclose that they previously
4 agreed, and this Court ordered, (1) that the deadline for Defendants to file their Opposition to
5 Plaintiff BNSF's Motion for Preliminary Injunction should be extended to February 3, 2020 and
6 the deadline for Plaintiff BNSF to file its Reply in support of its Motion for Preliminary Injunction
7 should be extended to February 20, 2020; and (2) that the Case Management Conference should
8 be continued to March 5, 2020 to coincide with the hearing on Plaintiff BNSF's Motion for
9 Preliminary Injunction, and the parties' Case Management Statement including the Rule 26(f)
10 report should be filed by February 27, 2020. In addition, the parties previously agreed to extend
11 Defendants' deadline to respond to the Complaint to January 31, 2020 and then to February 14,
12 2020.

13 Dated: January 30, 2020

Respectfully submitted,

14 OLSON REMCHO, LLP

15 By: /s/ Margaret R. Prinzing

16 Attorney for Defendants County of Alameda, County
17 of Contra Costa, County of Fresno, County of Kings,
18 County of Merced, County of Plumas, County of
19 Riverside, County of San Bernardino, County of San
Joaquin, County of Stanislaus, and County of Tulare

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1 Dated: January 30, 2020

MUNGER, TOLLES & OLSON LLP

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3 By: /s/ Jessica Reich Baril

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11 Attorneys for Plaintiff BNSF Railway Company

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13 Dated:: January 30, 2020

MARGO A. RAISON

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19 Attorneys for Defendant County of Kern

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21 Dated: January 30, 2020

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27 Attorneys for Defendant County of Madera

1 Dated: January 30, 2020

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3 By: /s/ Steven C. Miller

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12 Attorneys for Defendant County of Orange

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14 Dated: January 30, 2020

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24 Attorneys for Defendant County of San Diego

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26 Upon presentation of the parties' stipulation and good cause shown, IT IS SO ORDERED.

27 Dated: 1/31/2020

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HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT JUDGE